

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEANDRE BUTLER,)	
)	
Plaintiff,)	Case No.: 23-cv-1460
)	
v.)	Complaint for Violation of Civil Rights
)	
Chicago Police Sergeant Michael)	<u>JURY DEMANDED</u>
Holmes, Star Number 1599,)	
)	
Defendant.)	

COMPLAINT AT LAW

Plaintiff, DeAndre Butler, by and through his attorneys, Ed Fox & Associates, Ltd., files the following Complaint:

JURISDICTION AND VENUE

1. This action arises under the United States Constitution and the Civil Rights Act of 1871 (42 U.S.C. Section 1983). This Court has jurisdiction under and by virtue of 28 U.S.C. Sections 1331 and 1343.
2. The venue is founded in this judicial Court upon 28 U.S.C. Section 1391 as the acts complained of arose in this district.

PARTIES

3. At all times mentioned herein, Plaintiff, DeAndre Butler (“Plaintiff”) was and is a citizen of the United States and was within this Court’s jurisdiction.
4. At all times mentioned herein, Defendant, Chicago Police Sergeant Michael Holmes, Star Number 1599 (“Defendant”) was employed by the City of Chicago Police Department and acted under the color of state law and as the employee, agent, or representative of the City of Chicago. Plaintiff is suing Defendant in his individual capacity.

FACTUAL ALLEGATION

5. On or about May 9, 2021, at all times material, Plaintiff was in Chicago Police Department custody.
6. Plaintiff was handcuffed and shackled inside a police van.
7. Plaintiff was not using or threatening the use of force against anyone.
8. Defendant repeatedly punched Plaintiff in the face.
9. There was no just cause to punch Plaintiff in the face.
10. As a direct and proximate result of one or more of the above-mentioned actions and/or omissions by Defendant, Plaintiff suffered significant injuries, including but not limited to the loss of liberty, invasion of privacy, humiliation and indignities, and suffered great mental, emotional, and physical pain in an amount yet to be ascertained.
11. The actions and/or omissions mentioned above by Defendant were willful, wanton, malicious, oppressive, and done with reckless indifference and/or callous disregard for Plaintiff's rights and justify the awarding of exemplary and punitive damages in an amount to be ascertained according to proof at the time of trial.
12. By reason of the above-mentioned actions and/or omissions by Defendant, Plaintiff retained attorneys to institute, prosecute, and render legal assistance to him in the within action so that they might vindicate the loss and impairment of his rights. By reason thereof, Plaintiff requests payment by Defendant of a reasonable sum for attorney's fees pursuant to 42 U.S.C. Section 1988 or any other provision set by law.

COUNT I
PLAINTIFF AGAINST DEFENDANT FOR EXCESSIVE FORCE
IN VIOLATION OF THE FOURTH AMENDMENT

13. Plaintiff hereby incorporates and realleges paragraphs one (1) through twelve (12) hereat

as though fully set forth at this place.

14. Defendant seized and used force against Plaintiff by repeatedly punching him in the face.

15. There was no just cause to punch Plaintiff in the face.

16. Because of Defendant's conduct, Plaintiff was deprived of rights, privileges, and immunities secured to him by the Fourth Amendment to the Constitution of the United States and laws enacted thereunder.

17. The force inflicted upon Plaintiff was unnecessary, unreasonable, excessive and violated Plaintiff's Fourth Amendment Rights. Therefore, Defendant is liable to Plaintiff pursuant to 42 U.S.C. § 1983.

WHEREFORE, Plaintiff, DeAndre Butler, by and through his attorneys, Ed Fox & Associates, requests judgment as follows:

1. Defendant be required to pay Plaintiff general damages, including emotional distress and pain and suffering, in a sum to be ascertained;
2. Defendant be required to pay Plaintiff special damages;
3. Defendant be required to pay Plaintiff's attorneys fees pursuant to § 1983 of Title 42 of the United States Code, § 1988 of Title 42 of the United States Code, or any other applicable provision;
4. Defendant be required to pay Plaintiff punitive and exemplary damages in a sum to be ascertained;
5. Defendant be required to pay Plaintiff's costs of the suit herein incurred; and
6. Plaintiff have such other and further relief as this Court may deem just and proper.

BY: /s/Peter T. Sadelski
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PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

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